

### **REMARKS/ARGUMENTS**

Claims 1-53 are pending in this application. Claim 4 has been objected to due to informalities, and claims 1-53 stand rejected in the Office Action dated November 16, 2007. The present amendment cancels claims 13, 25, 36, 45, and 52. Applicants reserve the right to pursue the subject matter of any cancelled claim in one or more continuing applications. The present amendment amends claims 1, 4, 14, 15, 16, 26, 37, 38, 46, and 53.

#### **Objections**

Claim 4 is objected to due to informalities for the use of “mite” acronym in the claim. Applicants have amended claim 4 to correct the informality, and accordingly, applicants request the objection be withdrawn.

#### **35 U.S.C. §103 Rejections**

Claims 1-7, 16-19, 26-30, 38-39 and 46 are rejected under 35 U.S.C. §103(a) as being unpatentable over Miller, U.S. Patent Number 6,950,924 (hereinafter Miller), in view of Bala, U.S. Publication Number 20020104075 (hereinafter Bala). Claims 8, 12-15, 20, 24-25, 31, 35-37, 40, 44-45 and 51-53 are rejected under 35 U.S.C. §103(a) as being unpatentable over Miller, in view of Bala and further in view of Benitez, U.S. Patent No. 6,189,141 (hereinafter Benitez). Claims 9-11, 21-23, 32-34, 41-43 and 48-50 are rejected under 35 U.S.C. §103(a) as being unpatentable over Miller, in view of Bala and further in view of Megiddo, U.S. Patent No. 6,742,179 (hereinafter Megiddo).

Representative claim 1 has been amended to include the limitation of “an optimizer to optimize the trace based on runtime information collected by the processing core during a previous execution of the trace.” The Office Action asserts that Benitez teaches basing optimization on runtime information, but it appears that the portions of Benitez only disclose identifying hot traces, which it defines as a trace that is frequently accessed or that has been accessed more than a certain number of times. Identifying a hot trace is not the same as basing the optimization of a trace on runtime information, and therefore, Benitez does not teach an element of claim 1. For at least all the same reasons, Benitez also does not teach elements of independent claims 16, 26, 38, and 46. Miller, Bala, and Megiddo do not cure the deficiencies of

Benitez. Accordingly, applicants respectfully request that the rejections of claims 1-12, 14-24, 26-35, 37-44, and 46-51 be withdrawn.

For at least the above reasons, it is submitted that the application is in condition for allowance. Prompt consideration and allowance are solicited.

The Commissioner is authorized to charge any fee relevant to this filing to Kenyon & Kenyon Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at the number listed below to discuss any matter concerning this application. The Applicant respectfully requests an interview with the Examiner at the Examiner's earliest possible convenience. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16, 1.17, or 1.136 to Deposit Account No. 11-0600.

Respectfully submitted  
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